IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

ATTY. DOCKET NO.: AUS990913US1

IN RE APPLICATION OF:	§
	§
DUTTA ET AL.	§ EXAMINER: **ADNAN M. MIRZA**
	§
SERIAL NO.: **09/543,310**	§ CONFIRMATION NO.: **6408**
	§
FILED: **APRIL 5, 2000**	§ ART UNIT: **2145**
	§
FOR: SENDING FULL-CONTENT DATA TO A	§
SECOND DATA PROCESSING SYSTEM	§
WHILE VIEWING REDUCED-	§
CONTENT DATA ON A FIRST DATA	§
PROCESSING SYSTEM	§

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF UNDER 37 C.F.R. 41.37

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P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

      This Appeal Brief is submitted in response to a Notification of Non-Compliant Appeal mailed on November 21, 2007, for the Appeal Brief filed on November 8, 2007.

      No fee is required to file this Compliant Appeal brief as the fee for filing the original Appeal Brief was paid at submission. However, should any fees be required to file this Compliant Appeal Brief, please charge that fee, as well as any additional required fees, to **IBM CORPORATION's Deposit Account No. 09-0447.**

REAL PARTY IN INTEREST

The real party in interest in the present Application is International Business Machines Corporation, the Assignee of the present application as evidenced by the Assignment set forth at reel 010747, frame 0063 et. seq. of the USPTO assignment records.

RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellants, the Appellants' legal representative, or assignee, which directly affect or would be directly affected by or have a bearing on the Board's decision in the pending appeal.

STATUS OF CLAIMS

Claims 25-48 stand finally rejected as noted in the final Office Action dated May 8, 2006. The rejection of claims 25-48 is appealed. Claims 1-24 and 49-51 have been canceled.

STATUS OF AMENDMENTS

No amendments to the claims were proposed or entered subsequent to the final Office Action from which this appeal is taken.

SUMMARY OF THE CLAIMED SUBJECT MATTER

Appellants' **claim 25** recites "[a] method for delivering data over a network system" (*see* *specification* pages 11-12, with reference to **FIG. 2**, describing an Internet **200** over which data can be transmitted between various data processing systems), comprising the steps of:

"receiving, in a first data processing system, a request for a first data page from a second data processing system" (*see* **FIG. 1A**, page 8, line 3 through page 9, line 17, describing a first data processing system (data processing system **100**); **FIG. 1B**, page 9, line 19 through page 10, line 13, describing a second data processing system (mobile computing device); **FIG. 2**, page 11, lines 5-12, describing a proxy server **260** connected via internet **200** to wireless devices **220, 225**, and **230**; **FIG. 3**, page 13, lines 10-12, describing a wireless device (second data processing device) requesting a web page);

"in response to the request from the second data processing system, sending a reduced-content page, corresponding to the first data page, from the first data processing system to the second data processing system, wherein said reduced-content page contains less than the full content of the first data page" (*see* page 2, line 29 through page 3, line 28, describing reduced content page as including less data than an originally requested page; **FIG. 3**, page 13, line 12 through page 14, line 11, describing a proxy server composing and delivering to a wireless device a reduced-content page (steps **320, 340**, and **360**) from the particular requested web page (step **310**));

"selectively sending a selection mark to the second data processing system" (see **FIG. 3**, . page 13, lines 19-22, describing sending a selection mark to the second data processing system (wireless device) if the user has not selected alternate delivery (step **340**));

"in further response to the request from the second data processing system and if a request corresponding to the selection mark is received, sending the first data page from the first data processing system to a third data processing system having a common user association with the second data processing system," (**FIG. 3**, page 14 lines 1-4, describing user selection (request) of mark resulting in sending web page full content to user's alternate system (steps **350** and **370**)).

"wherein the second data processing system communicates with the first data processing system over a first connection and the third data processing system communicates with the first data processing system over a second connection" (see **FIG. 2**, depicting a second data processing system (handheld PDA **225**) communicatively coupled via a first connection (wireless connection **235**) to a first data processing system (proxy server **260**), and further depicting a third data processing system (data processing system **210**) communicatively coupled via a second connection (wired connection **215**) to proxy server **260**).

Appellants' <u>claim 33</u> recites "[a] first data processing system having at least a processor and an accessible memory" (*see* **FIG. 1A**, page 8, lines 3-11, describing a data processing system **100** having a processor **102** and memory **108**), comprising:

"means for receiving in the first data processing system, a request for a first data page from a second data processing system" (*see* **FIG. 1A**, page 8, line 3 through page 9, line 17, describing a first data processing system (data processing system **100**); **FIG. 1B**, page 9, line 19

through page 10, line 13, describing a second data processing system (mobile computing device); **FIG. 2**, page 11, lines 5-12, describing a proxy server **260** connected via internet **200** to wireless devices **220**, **225**, and **230**; **FIG. 3**, page 13, lines 10-12, describing a wireless device (second data processing device) requesting a web page);

"means for sending, in response to the request from the second data processing system, a reduced-content page to the second data processing system," (*see* **FIG. 3**, page 13, line 12 through page 14, line 11, describing a proxy server composing and delivering to a wireless device a reduced-content page (steps **320**, **340**, and **360**) from the particular requested web page (step **310**)) "wherein said reduced-content page contains less than the full content of the first data page" (*see* page 2, line 29 through page 3, line 28, describing reduced content page as including less data than an originally requested page);

"means for selectively sending, in response to the request from the second data processing system, a selection mark to the second data processing system" (*see* **FIG. 3**, page 13, lines 19-22, describing the proxy server sending a selection mark to the second data processing system (wireless device) if the user has not selected alternate delivery (step **340**));

"means for sending, in further response to the request from the second data processing system, the first data page to a third data processing system having a common user association with the second data processing system if a request corresponding to the selection mark is received," (*see* **FIG. 3**, page 14, lines 1-7, describing the proxy server sending the full-content version of the requested page to the user's alternate system (step **370**));

"wherein the second data processing system communicates with the data processing system over a first connection and the third data processing system communicates with the first data processing system over a second connection" (see **FIG. 2**, depicting a second data processing system (handheld PDA **225**) communicatively coupled via a first connection (wireless connection **235**) to a first data processing system (proxy server **260**), and further depicting a third data processing system (data processing system **210**) communicatively coupled via a second connection (wired connection **215**) to proxy server **260**).

Appellants' <u>claim 41</u> recites "[a] tangible computer-readable medium having stored thereon computer-executable instructions for delivering data over a network system, said computer-executable instructions adapted for performing a method" (see **FIGS. 1A** and **1B**,

depicting computer-readable media including L2 cache **104**, system memory **108**, nonvolatile storage **114**, memory **154** and nonvolatile storage **156**; page 15 line 15 through page 16, line 9, describing various forms of computer-readable media on which may instructions be encoded. This method includes:

"receiving, in a first data processing system, a request for a first data page from a second data processing system" (*see* **FIG. 1A**, page 8, line 3 through page 9, line 17, describing a first data processing system (data processing system **100**); **FIG. 1B**, page 9, line 19 through page 10, line 13, describing a second data processing system (mobile computing device); **FIG. 2**, page 11, lines 5-12, describing a proxy server **260** connected via internet **200** to wireless devices **220**, **225**, and **230**; **FIG. 3**, page 13, lines 10-12, describing a wireless device (second data processing device) requesting a web page);

"in response to the request from the second data processing system, sending a reduced-content page from the first data processing system to the second data processing system," (*see* **FIG. 3**, page 13, line 12 through page 14, line 11, describing a proxy server composing and delivering to a wireless device a reduced-content page (steps **320**, **340**, and **360**) from the particular requested web page (step **310**)) "wherein said reduced-content page contains less than the full content of the first data page" (*see* page 2, line 29 through page 3, line 28, describing reduced content page as including less data than an originally requested page);

"selectively sending a selection mark to the second data processing system" (see **FIG. 3**, page 13, lines 19-22, describing sending a selection mark to the second data processing system (wireless device) if the user has not selected alternate delivery (step **340**));

"in further response to the request from the second data processing system, sending the first data page from the first data processing system to a third data processing system having a common user association with the second data processing system if a request corresponding to the selection mark is received," (*see* **FIG. 3**, page 14, lines 1-7, describing the proxy server sending the full-content version of the requested page to the user's alternate system (step **370**))

"wherein the second data processing system communicates with the first data processing system over a first connection and the third data processing system communicates with the first data processing system over a second connection" (see **FIG. 2**, depicting a second data processing system (handheld PDA **225**) communicatively coupled via a first connection

(wireless connection **235**) to a first data processing system (proxy server **260**), and further depicting a third data processing system (data processing system **210**) communicatively coupled via a second connection (wired connection **215**) to proxy server **260**).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. The rejection of claims 25-31, 33-39, and 41-47 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 6,430,624 issued to Jamtgaard et al. (hereinafter *"Jamtgaard"*) in view of U.S. Patent Number 6,615,131, issued to Rennard et al. (hereinafter *"Rennard"*), and in further view of U.S. Patent Number 6,707,809, issued to Warrier et al. (hereinafter *"Warrier"*) is to be reviewed on Appeal.

B. The rejection of claims 32, 40, and 48 under 35 U.S.C. §103(a) as being unpatentable over *Jamtgaard*, in view of *Rennard*, and in view of *Warrier*, and in further view of U.S. Patent Number 6,148,330, issued to Puri et al. (hereinafter *"Puri"*) is to be reviewed on Appeal.

ARGUMENT

A. The rejection of claims 25-31, 33-39, and 41-47 under 35 U.S.C. §103(a) as being unpatentable over *Jamtgaard* in view of *Rennard* and in further view of *Warrier* is not well founded and should be reversed.

1. The combination of *Jamtgaard*, *Rennard*, and *Warrier* does not render obvious sending a reduced content version of a data page to a requestor system and the full version to another system both in response to the same data page request.

Claim 25 (representative also of claims 33 and 41) recites a method for delivering data over a network system in a manner enabling a reduced-content page be sent to the client's system over an expensive link (expensive in terms of limited client capacity and possibly link bandwidth), and a full data page be sent to the client's other system connected with a less expensive link, both in response to a single request from the client. In one embodiment, this is achieved by sending a reduced-content page to a user's PDA or cell phone over a wireless link, and sending the full data page to the user's home computer in an email connected with a dial-in, DSL or cable-type connection, both in response to a user request from the wireless device. To this end, claim 25 recites, in part, steps of, in response to a request for a first page, "sending a reduced-content page, corresponding to the first data page, from the first data processing system to the second data processing system, wherein said reduced-content page contains less than the full content of the first data page" and ... "*in further response* to the request from the second data

processing system and if a request corresponding to the selection mark is received, sending the first data page from the first data processing system to a third data processing system having a common user association with the second data processing system."

On page 2, the final Office Action incorrectly asserts that at col. 2, lines 40-59 and col. 4, lines 10-20, *Jamtgaard* discloses "in response to the request from the second data processing system, sending a reduced-content page, corresponding to the first data page, from the first data processing system to the second data processing system, wherein said reduced-content page contains less than the full content of the first data page."

At the cited passages and elsewhere throughout the specification and claims (see Abstract; col. 1, lines 8-13), *Jamtgaard* discloses a method for customizing the format or protocol of data content responses to accommodate a variety of possible network requestors having different formatting and browser specifications. As explained by *Jamtgaard* at col. 4, lines 9-17, "... the system permits content in a variety of formats, such as HTML, XML, raw data, etc., to be input into the system and then permits the content to be output in a variety of different output formats and protocols, such as WML, HTML, HDML, XML, etc so that the *same incoming content* may be displayed on many different information appliances and devices having different screen sizes." (Emphasis added). While some formatting and presentation logistics data may potentially be removed incidentally to *Jamtgaard's* customization, *Jamtgaard* expressly discloses preserving the "content" of the requested page. *Jamtgaard* does not teach or suggest sending a "reduced-content" page, as claimed. There is no other reference of record providing evidence that sending a reduced-content page is obvious.

Page 4 of the final Office Action concedes that the combination of *Jamtgaard-Rennard* fails to disclose sending the requested first page to a third data processing system that is separate and distinct from the requesting second data processing system. Appellants note that this point is only otherwise addressed in "Response to Arguments" on page 7 of the action, which cites *Jamtgaard* col. 4, lines 10-18. As noted above, the cited passage merely discloses that a variety of possible input data formats may be converted to any of a number of possible output formats for accommodating a variety of possible display options. *Jamtgaard's* disclosure of multiple formatting options clearly fails to disclose sending a reduced content page to a requestor and a full content page to a distinct data processing system responsive to the same data page request.

The combination of *Jamtgaard*, *Rennard*, and *Warrier* therefore does not render obvious sending a reduced content version of a data page to a requestor system and the full version to another system both in response to the same data page request. The rejection of claims 25-31, 33-39, and 41-47 under 35 U.S.C. §103(a) as being unpatentable over *Jamtgaard* in view of *Rennard* and in further view of *Warrier* is not well founded and should be reversed.

2. The combination of *Jamtgaard*, *Rennard*, and *Warrier* does not disclose or suggest sending the requested page in response to the data page request from the second system *and* in response to receiving a request corresponding to a selection mark sent to the second system.

In addition to steps of sending a reduced content page to the requestor and the full content page to a third machine affiliated with the user both in response to the same data page request, claims 25, 33, and 41 recite a "selection mark" feature controlling whether the full page version is to be sent to the third data processing system ("selectively sending a selection mark to the second data processing system" and "in further response to the request from the second data processing system *and if a request corresponding to the selection mark is received*, sending the first data page ..."). Appellants note that the final Office Action addresses the handling and use of a selection mark in isolation and fails to address the manner in which the selection mark handling relates to the other claim elements. On page 4, the final Office Action addresses the claimed selection mark feature by citing a passage in *Warrier* (col. 4, lines 28-43). The cited passage describes the activity of a home agent and home agent control node in determining whether a particular mobile node is inactive. If the mobile node is determined to be inactive, a paging request message is sent to a most recently contacted foreign agent. There is no feature cited by the Examiner as disclosing a selection mark. Having carefully examined the cited passage and other disclosure in *Warrier*, Appellants are unable to find any relation between the disclosure in *Warrier* and any subject matter in claims 25, 33 and 41. The comments supporting the use of *Warrier* on pages 4 and 7 of the final Office Action provide little if any help in illuminating the manner in which *Warrier's* disclosure relates to the claimed subject matter.

The combination of *Jamtgaard*, *Rennard*, and *Warrier* does not disclose or suggest sending the requested page in response to the data page request from the second system and in response to receiving a request corresponding to a selection mark sent to the second system, a

prima facie case of obviousness has not been made. Since the combination of the cited references does not disclose or suggest all of the claim limitations, a prima facie case of obviousness has not been made. Accordingly, the rejection of claims 25-31, 33-39, and 41-47 under 35 U.S.C. §103(a) as being unpatentable over *Jamtgaard* in view of *Rennard* and in further view of *Warrier* is not well founded and should be reversed
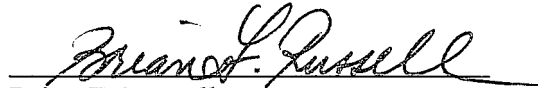
B.   The rejection of claims 32, 40, and 48 under 35 U.S.C. §103(a) as being unpatentable over *Jamtgaard*, in view of *Rennard*, and in view of *Warrier*, and in further view of Puri is not well founded and should be reversed.

Claims 32, 40, and 48 are directly or indirectly dependent on the independent claims 25, 33, and 41 which, as contended above by Appellants, have been incorrectly rejected under the references. By extension, the rejections of claims 32, 40, and 48 are not well founded and should be reversed.

CONCLUSION

Appellants grounds for traversing the claim rejections have been pointed out with specificity as well as the claims, and the claim language that renders the invention patentable over the *Jamtgaard, Rennard, Warrier* and/or *Puri* references. Appellants therefore respectfully request that the claim rejections be reversed and this case be remanded.

Respectfully submitted,

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CLAIMS APPENDIX

1-24. (Cancelled)

25.   A method for delivering data over a network system, comprising the steps of:

receiving, in a first data processing system, a request for a first data page from a second data processing system;

in response to the request from the second data processing system, sending a reduced-content page, corresponding to the first data page, from the first data processing system to the second data processing system, wherein said reduced-content page contains less than the full content of the first data page; and

selectively sending a selection mark to the second data processing system;

in further response to the request from the second data processing system and if a request corresponding to the selection mark is received, sending the first data page from the first data processing system to a third data processing system having a common user association with the second data processing system,

wherein the second data processing system communicates with the first data processing system over a first connection and the third data processing system communicates with the first data processing system over a second connection.

26.   The method of claim 25, further comprising, after the receiving step, creating the reduced-content page corresponding to the first data page.

27.   The method of claim 25, wherein the network system is the internet.

28.   The method of claim 25, wherein the first connection is a wireless connection and the second connection is a non-wireless connection.

29.   The method of claim 25, wherein the first data page comprises a markup language file.

30.   The method of claim 25, wherein the reduced-content page comprises a markup language file containing less than the full content of the first data page markup language file.

31.   The method of claim 25, wherein the first data page is sent to the third data processing system via an electronic mail message.

32.   The method of claim 25, wherein the first data page is sent to the third data processing system via a push delivery system.

33.   A first data processing system having at least a processor and an accessible memory, comprising:

   means for receiving in the first data processing system, a request for a first data page from a second data processing system;

   means for sending, in response to the request from the second data processing system, a reduced-content page to the second data processing system, wherein said reduced-content page contains less than the full content of the first data page;

   means for selectively sending, in response to the request from the second data processing system, a selection mark to the second data processing system;

   means for sending, in further response to the request from the second data processing system, the first data page to a third data processing system having a common user association with the second data processing system, if a request corresponding to the selection mark is received,

   wherein the second data processing system communicates with the data processing system over a first connection and the third data processing system communicates with the first data processing system over a second connection.

34.   The first data processing system of claim 33, further comprising means for creating a reduced-content page corresponding to the first data page.

35.   The first data processing system of claim 33, wherein the network system is the internet.

36.   The first data processing system of claim 33, wherein the first connection is a wireless connection and the second connection is a non-wireless connection.

37.   The first data processing system of claim 33, wherein the first data page comprises a markup language file.

38.   The first data processing system of claim 33, wherein the reduced content page comprises a markup language file containing less than the full content of the first data page markup language file.

39.   The first data processing system of claim 33, wherein the first data page is sent to the third data processing system via an electronic mail message.

40.   The first data processing system of claim 33, wherein the first data page is sent to the third data processing system via a push delivery system.

41.   A tangible computer-readable medium having stored thereon computer-executable instructions for delivering data over a network system, said computer-executable instructions adapted for performing a method comprising:

> receiving, in a first data processing system, a request for a first data page from a second data processing system;
>
> in response to the request from the second data processing system, sending a reduced-content page from the first data processing system to the second data processing system, wherein said reduced-content page contains less than the full content of the first data page;
>
> selectively sending a selection mark to the second data processing system;
>
> in further response to the request from the second data processing system, sending the first data page from the first data processing system to a third data processing system having a common user association with the second data processing system if a request corresponding to the selection mark is received,
>
> wherein the second data processing system communicates with the first data processing system over a first connection and the third data processing system communicates with the first data processing system over a second connection.

42.   The computer-readable medium of claim 41, said method further comprising creating the reduced-content page corresponding to the first data page.

43.   The computer-readable medium of claim 41, wherein the network system is the internet.

44.   The computer program product of claim 41, wherein the first connection is a wireless connection and the second connection is a non-wireless connection.

45.   The computer-readable medium of claim 41, wherein the first data page is a markup language file.

46.   The computer-readable medium of claim 41, wherein the reduced content page is a markup language file.

47.   The computer-readable medium of claim 41, wherein the first data page is sent to the third data processing system via an electronic mail message.

48.   The computer-readable medium of claim 41, wherein the first data page is sent to the third data processing system via a push delivery system.

49-51   (Cancelled)

EVIDENCE APPENDIX

Other than the Office Action(s) and reply(ies) already of record, no additional evidence has been entered by Appellants or the Examiner in the above-identified application which is relevant to this appeal.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings as described by 37 C.F.R. §41.37(c)(1)(x) known to Appellants, Appellants' legal representative, or assignee.